

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

ERIE COUNTY LEGISLATURE
MEETING NO. 11
May 27, 2004

The Legislature was called to order by Chairman Holt.

The invocation was led by Father Thomas Quinlivan, Queen of Heaven, West Seneca.

The Pledge of Allegiance was led by Mr. Dusza.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – No items for reconsideration from the previous meeting.

Item 3 – MS. MARINELLI moved the approval of the Minutes for Meetings No. 9 & 10 of 2004. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHASE, CUSACK, McCARVILLE, MARSHALL, RANZENHOFER & SWANICK presented a resolution Recognizing 6/2/04 as Firefighters' Day & Honoring the Men & Women in EC who Provide Quality Fire Protection to Our Communities. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. RANZENHOFER, MINORITY CAUCUS presented a resolution Honoring Sandra Tan of the Buffalo News for her Services as County Hall Reporter. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 7 – MARINELLI & DUSZA presented a resolution Honoring U.S. Military Veterans on the 60th Anniversary of D-Day. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 8 – HOLT & SMITH presented a resolution In Memory of Jesse W. Bonner. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 9 – HOLT & SMITH presented a resolution In Memory of Retired Professional Boxer Thomas J. Maddox. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 10 – SMITH & HOLT presented a resolution Honoring Clean Air Technologies International (CATI) & CEO David Miller. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Item 11 – SMITH & HOLT presented a resolution Honoring Dr. Breem & Students from Saint Joseph's Collegiate Institute for Participating in NASA's Mars Explorer Student Team. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. SCHROEDER presented a resolution Honoring Monsignor Nash Council of the Knights of Columbus Law Enforcement & Fire Service Award Recipients. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. CUSACK presented a resolution Congratulating Town of Tonawanda Upon Receiving the Tree City USA Award. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 14 – MS. CHASE presented a resolution Congratulating The Eden Jr./Sr. High School upon Winning the Kenny Award for the production of “Joseph and the Amazing Techicolor Dreamcoat.” MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above ten (10) resolutions as amended. MR. RANZENHOFER seconded.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

CHAIRMAN HOLT directed that Comm. 11E-30 be taken out of order.

Item 15 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 229

Re: Request for Appointment to Erie
 County Water Authority.
 (Comm. 11E-30)

FROM THE MAJORITY CAUCUS

We, the undersigned, representing a majority of the members of the Democratic Party in the Erie County Legislature, do hereby nominate for appointment as a member of the Erie County Water Authority FRANK E. SWIATEK, 22 Ely Road, Depew, New York 14043, to fill a three-year term expiring April 27, 2007.

Edward J. Kuwik
 1st District

Mark J. F. Schroeder
 2nd District

George A. Holt, Jr.
 3rd District

Albert DeBenedetti
 6th District

Demone A. Smith
 7th District

Raymond K. Dusza
 8th District

Timothy M. Wroblewski
 9th District

Lynn Marinelli
 11th District

MS. MARINELLI moved to amend the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

May 27, 2004

Hon. Kevin M. Kelley
 Clerk, Erie County Legislature
 25 Delaware Ave., 7th Floor
 Buffalo, NY 14202

RE: Appointment to Erie County Water Authority

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Dear Mr. Kelley:

Having already completed the process of interviews on April 23, 2004, including providing more than ample notice of such interviews to the public and the members of the Legislature as specified by Section 5.01 of the 2004 Rules of Order of the Erie County Legislature, and further noting that the Commissioner's term of office in question has already commenced, it is important that we proceed with this final step in the process.

Since each party has now availed itself of the opportunity to present an appropriate nomination in writing, and each petition has been signed by a majority of the members of each respective caucus, I am prepared to make my appointment of a commissioner of the Erie County Water Authority pursuant to Section 1053 of the Public Authorities Law.

Therefore, I hereby appoint as a member of the Erie County Water Authority FRANK E. SWIATEK, 22 Ely Road, Depew, New York 14043, to fill a three-year term commencing on April 28, 2004 and expiring April 27, 2007. Confirmation of the above appointment by the Legislature is hereby requested.

Very truly yours,

George A. Holt, Jr.
Chairman

MS. MARINELLI moved the approval of the resolution as amended. MR. KUWIK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE & SWANICK. (AYES 13, NOES 2).

CARRIED.

LOCAL LAWS

Item 16 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table.

GRANTED.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

GRANTED.

Item 18 – MS. MARINELLI moved that Local Law No. 15 (Print #1) 2003 be received and filed. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 19 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2003 remain on the table.

GRANTED.

Item 20 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 21 – CHAIRMAN HOLT directed that Local Law No. 5 (Print #1) 2004 remain on the table.

GRANTED.

Item 22 – CHAIRMAN HOLT directed that Local Law No. 5 (Print #2) 2004 remain on the table.

GRANTED.

Item 23 – CHAIRMAN HOLT directed that Local Law No. 6 (Print #1) 2004 remain on the table.

GRANTED.

Item 24 – MS. MARINELLI moved that Local Law No. 7 (Print #1) 2004 be received and filed. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 25 – MS. MARINELLI presented the following Local Law and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
LOCAL LAW INTRO NO. 7 -2004 (Print 2)
LOCAL LAW NO. _____-2004

A LOCAL LAW requiring prior written notice of defective, out of repair, unsafe, dangerous or obstructed conditions of any street, highway, bridge, culvert, sidewalk, crosswalk, or highway markings.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Short title. This Local Law may be cited as the "Erie County Prior Written Notice Local Law of 2004."

Section 2. As used in this Local Law, the following terms and words shall have the meanings indicated below:

(A) "Bridge" shall mean and include but is not limited to:

- (1) A structure forming or carrying a highway, road, or street at a height over a river, stream, pond, lake or other body of water or over a chasm, ravine, or the like; and/or
- (2) Affording passage by vehicles and/or pedestrians between two points at a height above the ground, a body of water, a highway or street, or above a chasm, ravine, or the like.

(B) "Crosswalk" shall mean and include but is not limited to:

- (1) That part of a highway or street at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway or street or between the curbs or, in the absence of curbs between the edges of the traversable roadway; and/or
- (2) Any portion of a highway or street at an intersection or elsewhere indicated for pedestrian crossing by lines or other markings on the surface.

(C) "Culvert" shall mean and include but is not limited to:

- (1) A channel, conduit, or tunneled drain of masonry, brickwork or other materials conveying a stream of water across or beneath a canal, railway embankment, highway or street; and/or
- (2) An arched or barrel-shaped drain or sewer; and/or

- (3) A structure or device affording passage for water to cross under the embankment of a railway, under a highway or street, or beneath a road or driveway, where the configuration of the surface does not require a bridge.
- (D) "Highway" or "Street" shall mean and include a location where the general public has a general right of passage, and shall include but not be limited to:
 - (1) The entire width between the boundary lines of every way publicly maintained when any part thereof is open to use of the public for purposes of vehicular traffic (including ATV's and snowmobiles); and/or
 - (2) Any highway, road, street, avenue, alley, public place, public driveway, and any other public way; and/or
 - (3) Any parking lot open to the general public; and/or
 - (4) Any necessary sluices, drains, ditches, waterways, embankments, retaining walls, culverts, and the approaches of any bridge or culvert; and/or
 - (5) Any shoulder or slope.
- (E) "Sidewalk" shall mean and include any area used, intended or designated for pedestrian passage, including but not limited to:
 - (1) Any public plaza; and/or
 - (2) Steps connecting: (i) any highway or street to a sidewalk, bridge, or to any public or private property, building or structure; and/or (ii) any sidewalk to a bridge or to any public or private property, building or structure; and/or
 - (3) That portion of a highway or street situated between: (i) the curb lanes and the adjacent property lines; and/or (ii) the lateral lines of that part of a highway or street improved, designed, marked or ordinarily used for vehicular traffic and the adjacent property lines; and/or (iii) the shoulder or slope of any highway or street.

Section 3: No civil action shall be maintained against the County of Erie, its public officers and/or employees (collectively "Erie County") for damages, injuries or death to person or property sustained by reason of any street, highway, bridge, culvert, sidewalk, crosswalk, or highway marking, owned, operated or maintained by Erie County, being defective, out of repair, unsafe, dangerous or obstructed unless written notice is given to the Erie County Commissioner of Public Works of such defective, out of repair, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert, sidewalk, crosswalk, or highway marking, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger, obstruction or condition complained of.

Section 4: Any written notice filed with the Erie County Commissioner of Public Works pursuant to this Local Law must include: the name and address of the person providing such notice, the nature and specific location of the condition stated to exist. The Commissioner of Public Works shall stamp or otherwise note the date and time such written notice was received. Within ten days after the receipt of such written notice, the Commissioner of Public Works shall transmit it to the Clerk of the Erie County Legislature.

Section 5: The Clerk of the Erie County Legislature shall keep an indexed record, in a separate book, of all written notices received pursuant to this Local Law. Such record shall state the date of receipt of the notice by the Erie County Commissioner of Public Works, the nature and specific location of the condition stated to exist, and the name and address of the person providing such notice. All written notices received pursuant to this Local Law shall be indexed according to the location of the condition stated to exist. The record of each notice shall be preserved for a period of five years after the date it is received by the Clerk of the Erie County Legislature.

Section 6: Nothing contained in this Local Law shall apply to any claim or civil action for property damage in an amount less than \$7,000.00.

Section 7: Nothing contained in this Local Law shall be held to repeal, modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions, but on the contrary shall be held to be additional requirements to the right to maintain such action; nor shall anything contained in this Local Law be held to modify any existing rule of law relative to the question of contributory negligence or comparative fault; nor shall anything contained in this Local Law be held to impose upon the County of Erie, its officers and employees, any greater duty or obligation that it shall keep its streets, highways, bridges, culverts, sidewalks, crosswalks, or highway markings in a reasonably safe condition for public use and travel.

Section 8: If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be finally adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions not been included.

Section 9: This Local Law shall take effect ninety (90) days after filing same with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

JEANNE Z. CHASE
 CHARLES M. SWANICK
 GEORGE A. HOLT, JR
 ALBERT DeBENEDETTI
 DEMONE A. SMITH

MICHAEL H. RANZENHOFER
 BARRY A. WEINSTEIN
 LYNN M. MARINELLI
 EDWARD J. KUWIK
 TIMOTHY M. WROBLEWSKI

MS. MARINELLI moved the approval of the Local Law. MR. DEBENEDETTI seconded.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

Item 26 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 230

May 18, 2004

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2003 (L.L. Intro. 15-1)
LARSON, SWANICK, McCARVILLE, CHASE, FALKNER & CUSACK: A LL
 Requiring Prior Written Notice of Defective, Out of Repair, Unsafe, Dangerous or
 Obstructed Conditions of Any Street Etc. & Water, Snow, Etc.
 (4-0) Legislator DeBenedetti absent.
 - b. Item Page -2004 (L.L. Intro. 7-1)
MARINELLI: A LL Requiring Prior Written Notice of Defective, Out of Repair, Unsafe,
 Dangerous or Obstructed Conditions of Any Street, Highway, Etc.
 (4-0) Legislator DeBenedetti absent.
 - c. Item Page -2004 (Comm. 10D-8)
DISS: Monthly SAP/ERP Project Status Report.
 (4-0) Legislator DeBenedetti absent.
2. Item Page -2004 (Comm. 10E-23)
COUNTY EXECUTIVE
 WHEREAS, the County Clerk Auto Bureau, as part of its duties, conducts transactions for
 customers which routinely requires the making of change for cash paid by its customers, and

 WHEREAS, a Change Fund is recommended by the New York State Department of Motor
 Vehicles, and

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, due to an expansion in customer service with the Mobile Auto Bureau, the County Clerk has requested that a Change Fund be created to accommodate those customers availing themselves of the Mobile Unit,

NOW, THEREFORE, BE IT

RESOLVED, that the Change Fund for the Erie County Mobile Auto Bureau is hereby set at \$200.00, effective immediately, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, and the Director of Budget, Management and Finance.
 (4-0) Legislator DeBenedetti absent.

LYNN M. MARINELLI
CHAIRPERSON

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. DUSZA presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

May 20, 2004

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2004 (Comm. 9M-7)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: Law 3003-b: Land Owner Requests for Inclusion of Predominantly Viable Agricultural Land in an Agricultural District.
 (5-0)
 - b. Item Page -2004 (Comm. 9M-8)
ERIE COUNTY WATER AUTHORITY: Audited Financial Statements for Year Ended 12/31/03.
 (5-0)

MEETING NO. 11**May 27, 2004****ERIE COUNTY LEGISLATURE**

- c. Item Page -2004 (Comm. 10E-25)
COUNTY EXECUTIVE: ECSD No. 2 – EC Sewer Agency Report – Increase & Improvement of Facilities.
 (5-0)
- d. Item Page -2004 (Comm. 10E-26)
COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Agency Report – Increase & Improvement of Facilities.
 (5-0)
- e. Item Page -2004 (Comm. 10M-3)
NYSDEC: SEQR – ECSD No. 2 Pump Station & Force Main Improvements.
 (5-0)
- f. Item Page -2004 (Comm. 10M-4)
REFOREST BUFFALO: City of Buffalo Forester.
 (5-0)

AS AMENDED

2. Item Page -2004 (Intro. 8-3)
MINORITY CAUCUS, DUSZA, KUWIK & MARINELLI
 WHEREAS, in New York State about 25 percent of the state's land area, or 7.6 million acres are used by 37,000 farms to produce a very diverse array of food products, and

WHEREAS, agricultural production returned over \$3 billion to the farm economy in 2002, and

WHEREAS, local government officials must continually be aware of the impact farming has on the economy, the environment and the quality of life in our communities, and

WHEREAS, in 2001 Saratoga Associates issued a report on the connection between the rate of development growth and the amount of farmland lost, and

WHEREAS, in 2003 the New York State Advisory Council on Agriculture (ACA) undertook their own study and formed a steering committee to analyze and begin to deal with the factors that are leading to the conversion of farmland, and

WHEREAS, the ACA cited three areas that must be focused on to protect farmland:

1. That those involved in agriculture need better information and more accessibility to economic development programs and monies;
2. A better effort needs to be made to get and keep local officials engaged in the effort to maintain agriculture as a local industry;

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

3. New York State could make a larger contribution to local efforts to protect farming by expanding the resources and incentives for farmland protection available to communities and landowners, and

WHEREAS, the Erie-Niagara Framework for Regional Growth is currently analyzing pertinent data in relation to "urban sprawl" and its effects on rural farmland, and

WHEREAS, there are numerous programs, incentives, exemptions and initiatives in New York State to protect farmland and help farmers remain economically viable, including: the Agriculture Assessment Program, Farm Building Exemptions, the Farmer's School Tax Credit, the Forest Land Exemption, Historic Barns Protection Program, the Replanted or Expanded Orchards and Vineyards Incentive, Sales Tax Exemptions, the New York State Farmland Protection Program, New York Farmlink, the Agriculture Environmental Management Program, the Agricultural Management Assistance Program, the Conservation Security Program, Environmental Quality Incentive, the Forest Land Enhancement Program, as well as other federal programs, incentives and exemptions, and

WHEREAS, most recently, the New York State 2004 budget proposed to divide up the Farmland Protection funding by distributing \$3 million for the protection of farmland on Long Island, nearly \$1.5 million for the Capital Region, more than \$2.4 million for the Hudson Valley, \$2.2 for the North Country, \$2.2 million for Central New York and \$800,000 for Western New York, and

WHEREAS, there are a number of proposed bills in both the New York State Assembly and Senate that would provide additional assistance to farmers and protect farmland, including, but not limited to: A.1787; S.3593; A.1414; S.0745; A.1793; S.0599; A.1976; S.1029; and A.2083; S.1163-A, and

WHEREAS, while many circumstances that influence the economics of farming in New York State are beyond the purview of local and county officials, it is time to discuss what can be done to assure the economic viability of farms and the protection of environmentally significant farmland in Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to protecting farmland and providing agricultural opportunities for farmers in Erie County, and be it further

RESOLVED, that this Honorable Body asks the Chair of the Energy and Environment Committee to invite the Supervisors of the Towns of Amherst, Alden, Aurora, Boston, Brant, Cheektowaga, Clarence, Colden, Collins, Concord, Eden, Elma, Evans, Hamburg, Holland, Lancaster, Marilla, Newstead, North Collins, Orchard Park, Sardinia and Wales, Members or representatives of the Western New York Delegation to the New York State Legislature, along with representatives from the Erie County Department of Environment and Planning and the New York State Department of Environmental Conservation to a future committee meeting of the Erie County

Legislature's Energy and Environment Committee to discuss plans to better serve our farmers and protect farmland, and be it further

RESOLVED, that this Honorable Body implores the New York State Legislature and the Governor to continue to offer programs, incentives and initiatives that will protect farm land and sustain the economic viability of farming, especially in Erie County and Western New York, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki, the Western New York Delegation to the New York State Legislature, the Supervisors of Amherst, Alden, Aurora, Boston, Brant, Cheektowaga, Clarence, Colden, Collins, Concord, Eden, Elma, Evans, Hamburg, Holland, Lancaster, Marilla, Newstead, North Collins, Orchard Park, Sardinia and Wales, the Commissioner of Environment and Planning and the New York State Department of Environmental Conservation.

Fiscal Impact: POSITIVE FOR ERIE COUNTY FARMERS
 (5-0)

3. Item Page -2004 (Comm. 10E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency (SSTA) has determined the need to perform engineering services to address the need for additional capacity and upgrading at the SSTA Plant; and

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency and the Department of Environment & Planning have solicited proposals from qualified engineering firms and ranked them in accordance with the Administrative Code; and

WHEREAS, the first ranked firm of Stearns & Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, New York is recommended to perform engineering services related to the Phase II design for the upgrading of the Southtowns Plant at a cost not to exceed \$1,350,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement for engineering services with Stearns & Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, New York in an amount not to exceed \$1,350,000.00 is hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute the contract with Stearns & Wheler, LLC, subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the County Comptroller be authorized and directed to allocate \$1,350,000.00 from Erie County/Southtowns Sewage Treatment Agency Sewer Capital Account C.00038 (Capital Account Fund 430, Project 915) to cover phase II, engineering services; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of the resolution to Joel A. Giambra, County Executive, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Gregory J. Dudek, Assistant County Attorney, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director of Budget, Management and Finance.

(5-0)

AS AMENDED

4. Item Page -2004 (Intro. 10-4)
McCARVILLE, CHASE, MARSHALL, RANZENHOFER, SWANICK, DUSZA,
KUWIK & MARINELLI

WHEREAS, the agricultural industry is highly dependent on agricultural machinery, including: tractors, combines, balers and other highly specialized equipment, and

WHEREAS, currently, there is no law in New York State to ensure that agricultural equipment purchased by farmers is protected by warranty, and

WHEREAS, consumers who purchase automobiles are protected by "Lemon Laws," which are designed to safeguard consumers who buy or lease vehicles with serious defects, and

WHEREAS, as highlighted in a recent Buffalo News article (May 10, 2004, Section C-1), the economic effects of broken down machinery would be mitigated by a "Lemon Law" that protects farm equipment, and

WHEREAS, currently at least six other states cover farm machinery under their "Lemon Laws" and,

WHEREAS, there is pending legislation (S. 6581 & A. 9510) in the New York State Senate and Assembly which would amend the current general business law and put in place a statute that would allow farmers protection on the equipment that they purchase for one year from the date the equipment is delivered, and

WHEREAS, during the grace period, farmers could get their lemon replaced or money refunded if it cannot be fixed in a reasonable amount of time or if the equipment is out of service for more than one month,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature is committed to protecting consumer rights and particularly the rights of farmers, and be it further

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, this Honorable Body asks the New York State Legislature to pass Senate Bill 6581 and Assembly Bill 9510 and the Governor to sign into law this legislation, which will include farm machinery under the current "Lemon Law," and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver and the Western New York delegation to the New York State Legislature.

Fiscal Impact: Positive for Erie County Farmers
 (5-0)

RAYMOND K. DUSZA
CHAIRMAN

MR. DUSZA moved to separate items #2 and #4 and moved the approval of the balance of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved to amend item #2 (Intro. 8-3) to include Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved the approval of item #2 as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved to amend item #4 (Intro. 10-4) to include Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved the approval of item #4 as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 28 – MR. KUWIK presented the following resolution and moved for immediate consideration. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

May 20, 2004

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2004 (Comm. 6M-11)
NYS COMMISSION OF CORRECTIONS: Copy of Letter to Sheriff Requesting Plans for a Solution to Erie County's Unmet Inmate Housing Needs.
 (4-0) Legislator Dusza absent.
 - b. Item Page -2004 (Comm. 8M-7)
NYS COMMISSION OF CORRECTIONS: Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Holding Center.
 (4-0) Legislator Dusza absent.
 - c. Item Page -2004 (Comm. 8M-8)
NYS COMMISSION OF CORRECTIONS: Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Holding Center.
 (4-0) Legislator Dusza absent.
 - d. Item Page -2004 (Comm. 8M-9)
NYS COMMISSION OF CORRECTIONS: Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Correctional Facility.
 (4-0) Legislator Dusza absent.
 - e. Item Page -2004 (Comm. 8M-10)
NYS COMMISSION OF CORRECTIONS: Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Holding Center.
 (4-0) Legislator Dusza absent.
 - f. Item Page -2004 (Comm. 8M-11)
NYS COMMISSION OF CORRECTIONS: Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Correctional Facility.
 (4-0) Legislator Dusza absent.
 - g. Item Page -2004 (Comm. 8M-12)
NYS COMMISSION OF CORRECTIONS: Copy of Letter to Sheriff Re: Two Month Variance Approval for Inmate Housing Needs at Correctional Facility.
 (4-0) Legislator Dusza absent.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

2. Item Page -2004 (Comm. 10E-12)

COUNTY EXECUTIVE

WHEREAS, the New York State Division of Criminal Justice Services' Department of Public Security has agreed to provide funding in the amount of \$2,000,000 from the federal State Homeland Security Program (SHSP); and

WHEREAS, the grant will be used to fund further development of Erie County's upgrade of their first responder communications system; and

WHEREAS, the grant will fund the cost of equipment, supplies and other expenses involved with the SHSP;

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Departments of Emergency Services and Central Police Services, is authorized to enter into the necessary agreements with the New York State Department of Public Security to accept grant funding in the amount of \$2,000,000 in order to upgrade the first responder communications system; and be it further

RESOLVED, that the following Budget be accepted:

Budget – State Homeland Security Program

Revenue – Federal Revenue	\$2,000,000
Total Revenue	\$2,000,000
Site Development Infrastructure	\$2,000,000
Total Appropriations	\$2,000,000

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Joel A. Giambra; Homeland Security Grants Administrator Mara Lansing; Director of Budget, Management and Finance Joseph Passafiume; Commissioner of Central Police Services Kevin Comerford; Commissioner of Emergency Services Michael Walters; Erie County Comptroller Nancy Naples; and the Erie County Attorney, Frederick Wolf.
 (4-0) Legislator Dusza.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

3. Item Page -2004 (Comm. 10E-14)

COUNTY EXECUTIVE

WHEREAS, The New York State Governor's Traffic Safety Committee has awarded a Traffic Safety Grant for the Implementation of an Electronic Ticket and Accident Reporting System known as TraCS, and

WHEREAS, Erie County through Central Police Services is willing to coordinate and administer this project with the Buffalo Police Department, Erie County Sheriff's Office and all the local Law Enforcement agencies in this county, and

WHEREAS, this project is supported by the Erie County Traffic Safety Committee and the Chief's of Police from all the local Law Enforcement Agencies, and

WHEREAS, New York State has authorized a grant to Erie County in the amount of \$302,500 to implement this project in Erie County for all the aforementioned Law Enforcement Agencies;

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the Erie County Executive to enter into an agreement with the New York State Governor's Traffic Safety Committee, and be it further

RESOLVED, that authorization is hereby provided to establish the necessary accounts in the Central Police Services Department to implement this project; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to make all budgetary transactions required to implement this project; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Central Police Services.
 (4-0) Legislator Dusza.

EDWARD J. KUWIK
CHAIRMAN

MR. KUWIK moved the approval of the resolution. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

Item 29 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 11**May 27, 2004****ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 233

May 20, 2004

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR SMITH. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
- | | | | |
|------|------|-------|---------------|
| Item | Page | -2004 | (Comm. 10M-9) |
|------|------|-------|---------------|
- a. **TOWN OF AMHERST:** Resolution Re: Maple Road Reconstruction project.
(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.
- | | | | |
|------|------|-------|----------------|
| Item | Page | -2004 | (Comm. 10M-14) |
|------|------|-------|----------------|
- b. **RESIDENTS OF NORTH FOREST ROAD:** Documents Pertinent to Maple Road Reconstruction, Town of Amherst.
(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.
- | | | | |
|------|------|-------|----------------|
| Item | Page | -2004 | (Comm. 10M-15) |
|------|------|-------|----------------|
- c. **RESIDENTS OF NORTH FOREST ROAD:** Letter to Legislator Schroeder Re: Maple Road Reconstruction, Town of Amherst.
(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.
2. Item Page -2004 (Comm. 9E-61)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Works received bids on March 11, 2004 for the Main Branch of the Buffalo & Erie County Library -Phase 1 & 2 Renovation Plan, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder, and

WHEREAS, the complexity of the job requires extended Construction Administration Services and asbestos monitoring is required by law,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Main Branch of the Buffalo & Erie County Library -Phases 1 & 2 Renovation Plan Implementation as follows:

ASBESTOS ABATEMENT WORK

Superior Abatement, 22 Commerce Roads, Suite D,
Fairfield NJ 07004

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Base Bid:	\$582,000.00	
Alternate Bid No.4:	+ <u>5,000.00</u>	
Total Asbestos bid:		\$587,000.00

GENERAL CONSTRUCTION WORK

Rodems Construction, Inc., 3533 North Buffalo Road,
Orchard Park NY 14127

Base Bid:	\$684,000.00	
Alternate Bid No. 1	+ 47,000.00	
Alternate Bid No.2	+ 6,300.00	
Alternate Bid No.3	+ 57,000.00	
Alternate Bid No.4	+ 4,300.00	
Alternate Bid No.5	+ 13,000.00	
Alternate Bid No.6	+ 2,300.00	
Total General Construction Work Bid:		\$813,900.00

PLUMBING CONSTRUCTION WORK

AckeInlan Mechanical, 401 Lang Boulevard,
Grand Island NY 14072

Base Bid:	\$ 36,666.00	
Alternate Bid No.4	+ <u>11,111.00</u>	
Total Plumbing Construction Work		\$ 47,777.00

HV AC CONSTRUCTION WORK

Parise Mechanical, Inc., 233 Fillmore Avenue, Suite 19,
Tonawanda NY 14150

Base Bid:	\$213,300.00	
Total HV AC Construction Work Bid:		\$ 213,300.00

ELECTRICAL CONSTRUCTION WORK

Tunney Electric, Inc., 8565 Roll Road,
Clarence Center, NY 14032

Base Bid:	\$365,400.00	
Alternate Bid No.1	+ 39,000.00	
Alternate Bid No. 3	+ 10,000.00	
Alternate Bid No.4	+ 3,000.00	
Alternate Bid No.5	+ <u>3,600.00</u>	
Total Electrical Construction Work Bid:		\$ <u>421,000.00</u>

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Total of all contracts: \$2,082,977.00

and be it further

RESOLVED, that URS Corporation, who has a term contract with the County, be approved for extended Construction Administration Services, in an amount not to exceed \$130,000.00, and be it further,

RESOLVED, that Watts Engineers, who has done the asbestos abatement design be approved for Asbestos project Monitoring which will include air tests, as required by law, in an amount not to exceed \$55,000.00, and be it further,

RESOLVED, that the sum of \$200,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the sum of \$6,000.00 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the following accounts:

Asbestos Abatement, Project 765, Fund 490	\$ 370,000.00
Library Fund, Project 845, Fund 490	\$ 12,063.00
Asbestos Abatement, Project 829, Fund 410	\$ 38,499.00
2002 Central Library Mechanical & Building Improvements, Project 326, Fund 490	\$ 367,000.00
2003 Central Library Interior Renovations, Project 428, Fund 490	\$ 841,415.00
2003 Central Library, Asbestos Abatement, Project 429, Fund 490	<u>\$ 845,000.00</u>
Total	\$2,473,977.00

and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; one copy to the Office of the County Executive; and one copy to the Buffalo & Erie County Public Library.

(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

3. Item Page -2004 (Comm. 10E-18)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers the federal Community Development Block Grant program on behalf of thirty-four municipalities comprising the Erie County Community Development Consortium; and

WHEREAS, said Consortium receives approximately \$3,200,000 annually from the United States Department of Housing and Urban Development; and

WHEREAS, said funds must primarily benefit low and moderate income households within the Consortium; and

WHEREAS, the Consortium municipalities are desirous of having access to a professional planning firm having skill in household income survey techniques which can be utilized to determine the CDBG eligibility of certain proposed projects,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement for an amount not to exceed \$20,000, with Stuart I. Brown Associates, Inc. for the purpose of undertaking household income surveys within neighborhoods comprising the Erie County Community Development Block Grant Consortium; and be it further

RESOLVED, that the source of said funds shall be Project Number 290-839620821 for the Erie County Community Development Block Grant Program; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of the resolution to the County Executive, the Commissioner of Environment and Planning and the County Comptroller.

(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.

MARK J. F. SCHROEDER
CHAIRMAN

MR. SCHROEDER moved the approval of the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 30 – MR. SMITH presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 234

May 20, 2004

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 6

ALL LEGISLATORS PRESENT EXCEPT LEGISLATOR DEBENEDETTI.

ALL ITEMS ARE HEREBY TABLED.

DEMONE A. SMITH
CHAIRMAN

MR. SMITH moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 31 – MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

May 20, 2004

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

- | | | | | |
|----|--------------------------|---|-------|---------------|
| | Item | Page | -2004 | (Comm. 6E-3) |
| a. | COMPTROLLER: | Interim Financial Report for 9 Months Ended 9/30/03.
(6-0) Chairman Holt Present as Ex-Officio Member. | | |
| | Item | Page | -2004 | (Comm. 9E-13) |
| b. | COUNTY EXECUTIVE: | Letter to Chairman Holt Re: Local Law Intro. No. 8 -2003.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 10E-2) |
| c. | COMPTROLLER: | Apportionment & Distribution of 4% Sales Tax for 4/04.
(5-0) | | |

MEETING NO. 11**May 27, 2004****ERIE COUNTY LEGISLATURE**

- d. Item Page -2003 (Comm. 10M-7)
NYS SENATE MAJORITY LEADER JOSEPH BRUNO: Response to Concerns About Medicaid Costs.
 (5-0)

- 2 a. Item Page -2004 **AS AMENDED**
 (Comm. 1D-21)
DIRECTOR OF BUDGET, MANAGEMENT & FINANCE
 WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigate the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 204195 through 204197 inclusive be hereby denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2004 Petition No. **204195**

ASSESSOR **Cancel** \$167.20

S-B-L 108.16-1-3.12 **142001 ALDEN**

Acct. No. 112 \$120.65 County
 Acct. No. 132 \$46.55 Town/SpecialDist/School

Charge To : **142001 ALDEN** **\$46.55**

CANCEL - CLERICAL ERROR, THIS PARCEL IS WAS TRANSFERRED TO THE VILLAGE OF ALDEN AS OF DECEMBER 30, 2003 AND IS REQUESTING EXEMPT STATUS. RPTL 550(2)C

DENIAL

PROPERTY WAS TRANSFERRED TO THE VILLAGE OF ALDEN ON DECEMBER 30, 2003. THE TAXABLE STATUS DATE WAS MAY 1, 2003. BECAUSE THE DATE OF TRANSFER WAS AFTER TAXABLE STATUS DATE THIS PARCEL DOES NOT QUALIFY FOR EXEMPT STATUS FOR THE 2004 TOWN AND COUNTY TAX BILL.

FISCAL YEAR 2004 Petition No. **204196**

ASSESSOR **Refund** \$287.13

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

S-B-L 130.00-4-12

142089 ALDEN

Acct. No. 112	\$287.13	County
Acct. No. 132	\$0.00	Town/SpecialDist/School

Charge To : 142089 ALDEN \$0.00

REFUND - CLERICAL ERROR, HOMEOWNERS ARE REQUESTING THAT THE INTEREST ON THE SCHOOL RELEVY BE REFUNDED BECAUSE THEY DID NOT RECEIVE A TAX BILL DUE TO THE ASSESSMENT ROLL REFLECTING OLD OWNERS NAME.

DENIAL

THERE IS NO STATUE UNDER THE PETITION PROCESS COVERING THE REFUND ON INTEREST LEVIED ON A RELEVYSCHOOL TAX DUE TO THE FACT THAT THE OWNER DID NOT RECEIVE A TAX BILL.

FISCAL YEAR 2001 Petition No. 204197

ASSESSOR Refund

S-B-L 56.12-3-4

142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132		Town/SpecialDist/School

Charge To : 142289 AMHERST \$54.94

REFUND - CLERICAL ERROR, INCORRECT GALLONAGE FIGURES WERE USED TO DETERMINE THE WATER AND SEWER TAX. RPTL 550(2)E
 CHECK FOR: CAROL WEATHER

DENIAL

UNDER NEW YORK STATE REAL PROPERTY TAX LAW 556 THE APLLICATION MUST BE MADE TO THE DIRECTOR OF REAL PROPERTY WITHIN 3 YEARS OF THE ANNEXATION OF THE TAX WARRANT. THE WARRANT WAS FILED ON JANUARY 15, 2001. THE APPLICATION WAS RECEIVED ON APRIL 22, 2004. APPLICATION WOULD HAVE HAD TO BE RECEIVED BY JANUARY 14, 2004 TO QUALIFY FOR A REFUND.

(4-0) Legislator Smith absent.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

2 b. Item Page -2004 **AS AMENDED**
 (Comm. 1D-21)
DIRECTOR OF BUDGET, MANAGEMENT & FINANCE

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 204198 through 204208 inclusive be hereby approved based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2004	Petition No.	204198
ASSESSOR	Cancel	\$0.00

S-B-L 151.62-1-12 144889 HAMBURG

Acct. No. 112	\$0.00	County
Acct. No. 132	\$0.00	Town/SpecialDist/School
48178 EC#3 BLASDELL	\$170.00	
48178 EC#3 BLASDELL	\$170.00	
Charge To :	144889 HAMBURG	\$-170.00

REFUND - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR 3 UNITS OF SEWER SERVICE WHEN IT SHOULD ONLY BE CHARGED FOR 1 UNIT. RPTL 550(2)E
 CHECK FOR: JEFFREY & PATRI RUSSELL

FISCAL YEAR 2003	Petition No.	204199
ASSESSOR	Refund	\$270.64

S-B-L 231.00-4-8.12 145000 HOLLAND

Acct. No. 112	\$0.00	County
Acct. No. 132	\$270.64	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$270.64	
Charge To :	145000 HOLLAND	\$0.00

MEETING NO. 11**May 27, 2004****ERIE COUNTY LEGISLATURE**

REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 15,684 WAW OMITTED FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: RICHARD S BORSCHIEL & ANN NEWMAN

FISCAL YEAR 2004 Petition No. **204203**

ASSESSOR **Cancel** \$113.31

S-B-L 20.00-2-27.12 **145689 NEWSTEAD**

Acct. No. 112 \$83.72 County
Acct. No. 132 \$29.59 Town/SpecialDist/School

Charge To : **145689 NEWSTEAD** **\$29.59**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 17,100 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004 Petition No. **204204**

ASSESSOR **Cancel** \$50.00

S-B-L 32.00-1-13.111 **145689 NEWSTEAD**

Acct. No. 112 \$0.00 County
Acct. No. 132 \$50.00 Town/SpecialDist/School

56126 WD #10 PHASE 1 \$50.00

Charge To : **145689 NEWSTEAD** **\$0.00**

CANCEL - UNLAWFUL ENTRY, THIS PARCEL IS NOT IN WATER DIST 10. PROPERTY IS LOCATED IN WATER DISTRICT #7. RPTL 550(7)B

FISCAL YEAR 2004 Petition No. **204205**

ASSESSOR **Cancel** \$186.86

S-B-L 32.00-1-13.121 **145689 NEWSTEAD**

Acct. No. 112 \$0.00 County
Acct. No. 132 \$186.86 Town/SpecialDist/School

56126 WD #10 PHASE 1 \$50.00

Charge To : **145689 NEWSTEAD** **\$136.86**

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

<u>Charge To :</u>	Acct. No. 132	\$5.68	Town/SpecialDist/School
	145689 NEWSTEAD	\$5.68	

CANCEL - UNLAWFUL ENTRY, THIS PARCEL WAS NOT LISTED ON THE SPECIAL FRANCHISE CERTIFICATE RPTL 550(7)E
 (4-0) Legislator Smith absent.

3. Item Page -2004 (Comm. 10E-9)
COMPTROLLER
 RESOLUTION NO. 237 -2004

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$130,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF REVENUES FOR THE FISCAL YEAR CERTAIN ENDING DECEMBER 31, 2004, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the County of Erie, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount of not to exceed \$130,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the current fiscal year from (i) State Social Services aid, (ii) Social Services aid from the United States government, and (iii) the collection or receipt of revenues due and payable to the County in the current fiscal year from sales and compensating use taxes; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes

authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2 hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately.

(5-0)

4. Item Page -2004 (Comm. 10E-15)

COUNTY EXECUTIVE

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnership Act (HOME); and

WHEREAS, Erie County HOME Consortium has been awarded a grant of \$1,294,000 for fiscal year 2002, \$1,245,733 for fiscal year 2003, and \$1,243,449 for fiscal year 2004 by the U. S. Department of Housing and Urban Development under HOME; and

WHEREAS, a minimum of fifteen percent of funds made available pursuant to the HOME Investment Partnership Act are to be provided to eligible Community Housing Development Organizations (CHDOs).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with Our Lady of Victory Community Housing Development Organization, Inc. (OLV) to develop the Victory Ridge Apartments in the City of Lackawanna for low income senior households; and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not to exceed \$300,000 in federal HOME Investment Partnership funds to the OLV Inc.; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements relative to the housing project.
2. Completion of all necessary subsidy layering analysis as required by the federal Department of Housing an Urban Development; and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; and be it further

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of the Division of Budget, Management, and Finance, the County Comptroller, and the Commissioner of the Department of Environment and Planning.
 (5-0)

ALBERT DEBENEDETTI
CHAIRMAN

MR. DEBENEDETTI moved to separate item #3 and moved the approval of the balance of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DEBENEDETTI moved the approval of item #3 (Comm. 10E-9). MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 32 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 11-1 From the MINORITY CAUCUS Re: In Opposition to Part Z, Section 1. Page 73, Lines 39 & 40, of the NYS 2004-5 Budget (S.6056/A.9556)

Item 33 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 11-2 From the MINORITY CAUCUS Re: In Support of Collateral Source Bill (S.6220/ A.. 3483)

Item 34 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

Re: A Voluntary Rider to Insure
Homeowners Against Soil Subsidence
Damage. (Intro. 11-3)

A RESOLUTION SUBMITTED BY
LEGISLATOR WEINSTEIN

WHEREAS, owning a home is often the primary investment an individual or family makes,
and

WHEREAS, in some areas of the Town of Amherst homes are sinking and foundations are
cracking, and

WHEREAS, it is not only the homeowners who are suffering from the soil subsidence issues
in the Town of Amherst; bank lenders and the Town of Amherst tax collections are already or will
be adversely effected by the loss value of these sinking homes, and

WHEREAS, it is essential that something be done to provide assistance to those experiencing
sinking homes and insure future homeowners against similar losses, and

WHEREAS, the purpose of insurance companies is to offer financial protection against
natural disasters, so that people can guard their primary investment and enjoy some peace of mind in
the event of financial loss, and

WHEREAS, the New York State Insurance Department should take the lead in offering a
homeowners insurance rider that protects homeowners against subsidence loss, and

WHEREAS, if an additional surcharge were added to this rider a pool of money could be put
in place so that homeowners who have already experienced foundation and structural deterioration
due to soil subsidence could find remediation and financial security through an insurance claim,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to protecting the investment of
homeowners in the Town of Amherst and throughout Erie County, and be it further

RESOLVED, that this Honorable Body asks the New York State Insurance Department to
advocate on behalf of homeowners for insurance companies to offer a voluntary rider on homeowner
insurance plans, which would protect homeowners against soil subsidence issues, and be it further

RESOLVED, that certified copies of this resolution be forwarded to United States Senators
Charles M. Schumer and Hillary Rodham Clinton, Congressman Thomas R. Reynolds, New York
State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

York State Assembly Speaker Sheldon Silver, the Western New York delegation of the New York State Legislature, Superintendent of the New York State Insurance Department, Gregory V. Serior, Town of Amherst Supervisor Susan J. Grelick and the Town of Amherst Town Board.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the Following Co-Sponsors: Legislators Cusack & Ranzenhofer.

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 35 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 11-4 From the MINORITY CAUCUS Re: Inclusion of Predominantly Viable Agricultural Land in Existing Certified Agricultural District.

Item 36 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

Re: Consideration for Public Benefit Funding. (Intro. 11-5)

A RESOLUTION SUBMITTED BY
 LEGISLATOR RANZENHOFER

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, on March 18, 2004, the Erie County Legislature unanimously approved Intro. 7-13, as amended, designating the Akron Celebration Committee to receive an application for Public Benefit Funding, and,

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Akron Celebration Committee per Intro. 7-13 (2004) be reallocated to a new and proper designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Village of Akron	\$1,000	RANZENHOFE R

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the Second **RESOLVED** Clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Village of Akron	\$1,000	RANZENHOFER
Clarence-Newstead Meals-on-Wheels	\$3,000	RANZENHOFER

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

TOTAL	\$4,000

And be it further

- **DELETE** the Fourth **RESOLVED** Clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$900 from (1109223108050109) to the Erie County Department of Parks, Recreation & Forestry, General Ledger Account 418510, Cost Center 1641010, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Department of Parks, Recreation & Forestry Commissioner Lawrence D. Jasinski; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 37 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

Re: Consideration for Public Benefit Funding. (Intro. 11-6)

A RESOLUTION SUBMITTED BY
 LEGISLATOR CUSACK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

WHEREAS, on April 28, 2004, the Erie County Legislature unanimously approved Intro. 9-9, as amended, designating Ident-A-Kid to receive an application for Public Benefit Funding, and,

NOW, THEREFORE, BE IT

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, the designation for Ident-A-Kid per Intro. 9-9 (2004) be reallocated to a new designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Snyder Fire Department	\$5,000	CUSACK
Cleveland Hill Fire District No. 6	\$3,000	CUSACK
Mudpies	\$1,000	CUSACK
TOTAL	\$9,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$200.00 from account (1109223108050109) to the Senior Services Interfund Transfer Cost Center 1631010 Account 559000, and be it further

RESOLVED, that the County Executive is authorized to accept \$200.00 from legislative funds for the RSVP Grant to help underwrite part of the cost of 'Tribute Day', and be it further

RESOLVED, that the budget for the RSVP Grant, 163RSVP0405, be revised as follows:

REVENUES

Account	Description	CURRENT BUDGET	CHANGES	AMENDED BUDGET
479000	Interfund Revenue	\$ 46,731	\$ 200	\$ 46,931

APPROPRIATIONS

530000	Other Expenses	9,515	200	9,715
--------	----------------	-------	-----	-------

and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl; and Senior Services Commissioner Pamela M. Krawczyk.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 38 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 241

Re: Consideration for Public Benefit
 Funding. (Intro. 11-7)

A RESOLUTION SUBMITTED BY
 LEGISLATOR CHASE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Hamburg Public Library	\$5,000	CHASE
Lakeview Athletic Association	\$2,000	CHASE
Veterans of Foreign Affairs/Evans Township Post #5798	\$5,000	CHASE
TOTAL	\$12,000	

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the **RESOLUTION** in its entirety and **REPLACE** with:

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Lakeview Athletic Association	\$2,000	CHASE
Veterans of Foreign Affairs/Evans Township Post #5798	\$5,000	CHASE
Newell Falkner American Legion Post #880	\$4,000	CHASE
TOTAL	\$11,000	

And be it further

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$8,500 from (1109223108050109) to the Erie County Sheriff's Office, General Ledger Account 506200, Cost Center 1151040, for the purchase of saddles for the Mounted Patrol Division, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from account (1109223108050109) to General Fund, Interfund Transfers, Interfund-Library (DAC 1109253208864200), for the purchase of new tables and chairs for the Hamburg Public Library, and be it further

RESOLVED, that the Erie County Library Budget is hereby amended to increase the following account: Interfund-Subsidy revenue (DAC 8209734206863200) \$5,000, and be it further

RESOLVED, that the Erie County Library Budget is hereby amended to increase the following account: Hamburg Public Library (DAC 820973420830168) \$5,000, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Buffalo & Erie County Library Director Michael Mahaney; Buffalo & Erie County Library CFO Kenneth Stone; Erie County Sheriff Patrick Gallivan; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 39 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 242

Re: Consideration for Public Benefit
 Funding. (Intro. 11-8)

A RESOLUTION SUBMITTED BY
 LEGISLATOR McCARVILLE

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Aurora Waldorf School	\$3,000	McCARVILLE

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 40 – CHAIRMAN HOLT directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 11-9 From SWANICK, McCARVILLE & CUSACK Re: Supporting the Creation of the Niagara River Greenway Commission.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Item 41 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 243

Re: Consideration for Public Benefit
 Funding. (Intro. 11-10)

A RESOLUTION SUBMITTED BY
 LEGISLATORS DUSZA, WROBLEWSKI, AND DEBENEDETTI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
West Seneca Youth Baseball	\$ 10,000	WROBLEWSKI
Town of West Seneca Office of Disaster Preparedness	\$ 9,000	WROBLEWSKI
Boy Scout Troop 54	\$ 500	DUSZA
Cub Scout Pack 54	\$ 500	DUSZA
Polish Saturday School	\$ 1,500	DUSZA
Corpus Christi Church	\$ 2,000	DUSZA
Broadway Market	\$ 1,000	DUSZA
Cheektowaga Town Clerk's Office	\$ 3,000	DUSZA
VFW Post 6251	\$ 1,000	DUSZA
Holy Mother of the Rosary Cathedral	\$ 1,000	DUSZA
Cheektowaga Senior Center	\$ 2,000	DUSZA
Town of Lancaster Youth Wrestling	\$ 1,000	DUSZA
Boys & Girls Club of Buffalo	\$ 5,000	DEBENEDETTI
West Side Little League Football	\$ 4,000	DEBENEDETTI
Black Rock Riverside NHS	\$ 9,000	DEBENEDETTI
Northwest Buffalo Community Center	\$ 10,000	DEBENEDETTI
Northwest Buffalo Community Center	\$ 15,000	DEBENEDETTI

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Northwest Buffalo Community Center	\$ 91,200	DEBENEDETTI
Riverside Food Pantry	\$ 4,100	DEBENEDETTI
TOTAL	\$ 171,800	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.
 Fiscal Impact: None.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **Delete** the Resolution in its entirety and replace with the following:

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
West Seneca Youth Baseball	\$ 10,000	WROBLEWSKI
Town of West Seneca Office of Disaster Preparedness	\$ 9,000	WROBLEWSKI
Boy Scout Troop 54	\$ 500	DUSZA
Cub Scout Pack 54	\$ 500	DUSZA
Polish Saturday School	\$ 1,500	DUSZA
Corpus Christi Church	\$ 2,000	DUSZA

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Broadway Market	\$ 1,000	DUSZA
Cheektowaga Town Clerk's Office	\$ 2,750	DUSZA
VFW Post 6251	\$ 1,000	DUSZA
Holy Mother of the Rosary Cathedral	\$ 1,000	DUSZA
Cheektowaga Senior Center	\$ 2,000	DUSZA
Town of Lancaster Youth Wrestling	\$ 1,000	DUSZA
Boys & Girls Club of Buffalo	\$ 5,000	DEBENEDETTI
West Side Little League Football	\$ 4,000	DEBENEDETTI
Black Rock Riverside NHS	\$ 9,000	DEBENEDETTI
Northwest Buffalo Community Center	\$ 10,000	DEBENEDETTI
Northwest Buffalo Community Center	\$ 15,000	DEBENEDETTI
Northwest Buffalo Community Center	\$ 91,200	DEBENEDETTI
Riverside Food Pantry	\$ 4,100	DEBENEDETTI
TOTAL	\$ 170,550	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 42 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 244

Re: Transfer of Public Benefit Funds.
(Intro. 11-11)

A RESOLUTION SUBMITTED BY LEGISLATORS KUWIK, MCCARVILLE, AND
RANZENHOFER

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$13,000 from the 2004 Legislature- Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants- Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
City of Lackawanna (Senior Citizens)	\$2,000	KUWIK
Lackawanna Community Development Corporation	\$4,500	KUWIK
Williamsville North High School PTSA	\$1,000	RANZENHOFER
Clarence Chamber of Commerce, Inc.	\$3,000	RANZENHOFER
Aurora Adult Day Care Center, Inc.	\$2,500	MCCARVILLE
TOTAL	13,000	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Crystal L. Quick-Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 43 – MR. RANZENHOFER presented the following resolution and moved for the item to be received and filed. MS. CUSACK seconded.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Crystal L. Quick-Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 45 – CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 11-14 From MS. MARINELLI Re: Support for the Workforce Investment Act and the Workforce Investment Board of Buffalo & Erie County.

Item 46 – CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 11-15 From MR. SMITH Re: Erie County Funded Improvements at the Union Ship Canal.

Item 47 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 246

Re: Support for Lower Gasoline
 Prices and Consumers. (Intro. 11-16)

A RESOLUTION SUBMITTED BY
 LEGISLATORS HOLT, MARINELLI, KUWIK, DUSZA, DEBENEDETTI, AND SMITH

WHEREAS, since early 2003, gasoline prices across the United States have soared, with average retail prices recently increasing 14 cents per gallon in two weeks, and

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, in Erie County, the average retail price for 87 octane gasoline is now approximately \$2.12 per gallon, an increase of more than 50 cents per gallon since mid-August 2003, and up from approximately \$1.08 per gallon in January 2002, and

WHEREAS, according to a recent Lundberg survey of 8,000 gas stations, the price of 87 octane gasoline has risen 59 cents per gallon since December 19, 2003, and

WHEREAS, according to the American Automobile Association of Western and Central New York, the price of 87 octane gasoline in Western New York has increased 13.4% in the past month alone, with the local price of gasoline far above the average national price of \$2.03 per gallon, and

WHEREAS, despite widespread popular concerns, the American Petroleum Institute has denied that petroleum companies are engaging in price gouging, collusion, or antitrust activities, and

WHEREAS, the surge in prices has led Attorneys General in eight states and ten Governors have asked the Bush Administration to investigate whether or not petroleum and gas companies are illegally increasing prices, and

WHEREAS, despite repeated calls from consumer advocates and elected officials from both political parties, the U.S. Department of Energy and Bush Administration have refused to release petroleum from the U.S. Strategic Petroleum Reserve (SPR) to help stabilize and lower gasoline prices for consumers,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for a thorough, independent, and comprehensive investigation by the federal government into allegations of price gouging in retail gasoline sales, and, if necessary, the full prosecution of energy companies found to have violated the law and engaged in price gouging, and be it further

RESOLVED, that this Honorable Body calls on President George W. Bush to reverse his decision, and, in the interest of stabilizing gasoline prices and supporting American consumers, to follow the pattern set by his predecessors and to release petroleum from the United States Strategic Petroleum Reserve (SPR), and be it further

RESOLVED, that, in the event the President will not release any petroleum from the SPR, this Honorable Body offers its support for alternative approaches, such as suspending shipments of crude oil to the SPR to allow for more product to be available for consumption, thus facilitating lower prices for gasoline, and be it further

RESOLVED, that certified copies of this resolution be transmitted to President George W. Bush (1600 Pennsylvania Ave., N.W., Washington, DC 20500), Secretary of Energy Spencer Abraham (1000 Independence Ave., S.W., Washington, DC 20585), Federal Trade Commission Chairman Timothy Muris (600 Pennsylvania Avenue, N.W., Washington, DC 20580), U.S. Senators

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Charles Schumer and Hillary Rodham Clinton, and U.S. Representatives Louise Slaughter, Jack Quinn, and Thomas Reynolds.

Fiscal Impact: Positive for Erie County Consumers.

MR. KUWIK moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 48 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 247

Re: Support for Clean Air & Expressing
 Concern Over High Ozone Levels in
 Erie County. (Intro. 11-17)

A RESOLUTION SUBMITTED BY
 LEGISLATORS HOLT, MARINELLI, SCHROEDER, DEBENEDETTI AND SMITH

WHEREAS, for many years, counties in Western New York, including Erie, have had high levels of ozone and smog in the air, raising public health concerns, and

WHEREAS, the present federal administration, in a belated effort to address air pollution after 3 ½ years of weakening clean air standards and regulations including the Clean Air Act, has begun to recognize that air pollution is a serious and growing problem in the United States, and

WHEREAS, on April 15, 2004, due to high levels of polluting ground-level ozone in the air, the United States Environmental Protection Agency (EPA) designated Erie County as “non-attainment” and in violation of new clean air regulations, and

WHEREAS, ground-level ozone has been shown by scientists and public health specialists to aggravate and contribute to asthma and respiratory and breathing disorders, and

WHEREAS, such ozone is produced by automobile emissions, particularly from sport utility vehicles (SUVs), and emissions from power plants and industrial factories, such as polluting power plants in Southern Ontario and Western New York (Dunkirk, Tonawanda and Somerset), and

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, under the EPA's ruling, starting June 12, 2004, state and local governments must prepare plans demonstrating their efforts and activities to reduce pollution-forming ground-level ozone and begin to demonstrate how they will reduce the ground-level ozone levels so as to reduce air pollution,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its grave concerns regarding this area's air pollution as manifested by ground-level ozone levels, and be it further

RESOLVED, that this Honorable Body expresses its desire that the executive branch of this county initiate immediate steps, in conjunction with state and federal officials and other concerned organizations, to develop plans and measures to help reduce high concentrations of ground-level ozone in Erie County as a means to effectuate improved public health and wellness, and be it further

RESOLVED, that this Honorable Body requests the presence of Gerald F. Mikol, Regional Director of the New York State Department of Environmental Conservation; Commissioner Laurence Rubin and Deputy Commissioner of Environmental Compliance Michael Raab of the Erie County Department of Environment and Conservation; and Peter Iwanowicz of the American Lung Association of New York State at a future meeting of the Legislature's Energy and Environment Committee to discuss this alarming situation and to provide information regarding how Erie County government may assist in the reduction of polluting ground-level ozone, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Gerald F. Mikol, Regional Director of the New York State Department of Environmental Conservation (270 Michigan Avenue, Buffalo, NY 14203), Jane M. Kenny, Regional Administrator of EPA (290 Broadway, New York, NY 10007), Laurence Rubin and Michael Raab of the Department of Environment and Planning, and Peter Iwanowicz of the American Lung Association of New York State (3 Winners Circle, Suite 300 Albany, NY 12205).

Fiscal Impact: None for this resolution.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 49 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 248

Re: Support for Community - Based
 Smart Growth. (Intro. 11-18)

A RESOLUTION SUBMITTED BY
LEGISLATORS HOLT, MARINELLI, SCHROEDER, DEBENEDETTI, AND SMITH

WHEREAS, suburban sprawl is commonly cited by regionalism advocates, urban planners, community developers and citizen-led groups as a major factor in the decline of urban communities and metropolitan areas, such as Erie County, and

WHEREAS, the League of Women Voters of Buffalo/Niagara has created and presented a comprehensive Education Campaign on Urban Sprawl, and

WHEREAS, Erie County government has undertaken participatory involvement in regional governance initiatives such as the Erie-Niagara Framework for Regional Growth and the Erie-Niagara Regional Partnership that have the potential for helping to curb suburban sprawl, reduce government costs and taxes and fostering smart growth that enhances the County and region, and

WHEREAS, local state officials have recognized the problems associated with suburban sprawl such as higher taxes, higher costs of government and government services, traffic congestion, air pollution, and urban blight, and

WHEREAS, in response, local Members of the New York State Assembly have introduced Assembly Bill 802, an act to provide for community-based smart growth and land use planning through various forms of state assistance to local governments, and

WHEREAS, such an initiative would provide Erie County and local governments in this county with state financial and other assistance for smart growth and land-use planning that will assist in reducing the cost of government, improving services, and improving our community,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for A.802, and for continued efforts within Erie County and local governments, as well as the industrial development agencies in Erie County, to promote community-based smart growth and land-use planning as a means for the betterment of our County, and be it further

RESOLVED, that this Honorable Body urges the New York State Senate to introduce and adopt parallel legislation, and the Governor to sign such legislation into law as expeditiously as possible, and be it further

RESOLVED, that certified copies of this resolution be submitted to the Governor, the Western New York delegation of the New York State Assembly and Senate, and Katherine Tarbell of the League of Women Voters of Buffalo/Niagara (1272 Delaware Avenue, Buffalo, New York 14209).

Fiscal Impact: Positive for Erie County taxpayers.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 50 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 11-19 From MR. SMITH Re: Support for Letter of Intent to Initiate Enforcement Proceedings of the Master Settlement Agreement Re: Kool Cigarettes Ads.

Item 51 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 11-20 From MR. SMITH Re: Implementation of Campaign for Fiscal Equity Case.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 52 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 10E-13 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 249

Re: Request For Authorization to Accept
 \$4,198,663 in Urban Area Security
 Initiative FFY 03 Funds From New
 York State.

WHEREAS, since September 11, 2001 federal, state and local jurisdictions have been working on a coordinated effort to prevent and respond to acts of terrorism in the United States; and

WHEREAS, since September 11, 2001 the federal government has been working to address the unique needs of high-density, high threat urban areas; and

WHEREAS, since that time New York State and local governments have worked together on an Urban Area Risk Assessment; and

WHEREAS, as a result of that assessment the City of Buffalo and the Counties of Erie and Niagara were identified as core city and core counties as part of the Urban Area Security Initiative; and

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, as result of this designation Erie County has received funding to enhance our capacity to prevent, respond to and recover from threats or acts of terrorism; and

WHEREAS, in order to effectively administer the Urban Area Security Initiative (UASI) Grant, it has been deemed necessary to create certain staff positions to assume the significant new duties and responsibilities associated with the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York to accept \$4,486,661.00 in Urban Area Security Initiative funds from the Federal Government; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into agreements with various municipalities as required by the Urban Area Security Initiative for provision of services, supplies or equipment, and be it further

RESOLVED, that said funds are authorized to be expended for the Departments and projects identified in the attached Appendix; and be it further

RESOLVED, that a position of Grants Monitoring Specialist- Homeland Security, JG 13, be created in the Central Police Services Department to assist with the monitoring and administration of this grant; and be it further

RESOLVED, that a position of Administrative Assistant—CE, JG 11, be created in the Office of the County Executive, to assist the Homeland Security Grants Administrator with the monitoring and administration of this grant; and be it further

RESOLVED, that a position of Intern—Homeland Security-UASI, JG 7, Step 0, be created in the Office of the County Executive, for the period May 22, 2004 through August 20, 2004, to assist with the monitoring and administration of this grant, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with Federal and State approved funding levels, and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive, the Erie County Homeland Security Grants Administrator, the Commissioners of Public Works, Health, Emergency Services and Central Police Services, the Erie County Sheriff, the Budget Director, the County Comptroller and the County Attorney.

APPENDIX

URBAN AREA SECURITY INITIATIVE GRANT
YEAR 1 / FFY 2003**County Executive – Grant Fund 282**

Consultant	\$ 100,000
-creation of a continuity of government plan	
Personnel	
- 50% salary cost for Homeland Security Grants Administrator (per Comm.8-E-35, approved 4/1/2004)	\$ 30,000
20% salary cost (\$51,272) for Administrative Assistant—CE JG 11 (plus 27% fringe costs)	\$10,254.40 \$ 2,768.68
Full salary cost for Intern—Homeland Security-UASI, JG 7 (plus 27% fringe costs)	\$ 7,347.60 \$ 1,983.86
Administration	\$ 63,280.46

Buildings and Grounds – Grant Fund 282

Equipment	\$ 100,000
- Personal Communications Equipment Base stations, radios, land-based communications equipment.	
Consultant	\$ 100,000
-security consultant for city-county risk assessment	
Equipment	\$ 551,663
-physical security enhancements at Public Safety Campus	
Equipment	\$ 100,000
-security enhancements at BioSafety Level 3 Laboratory	
Equipment	\$ 677,000
-based upon risk assessment recommendations security enhancements at Buffalo City Hall, Rath Bldg. and other city or county critical infrastructures.	

Emergency Services – Grant Fund 282

Equipment	\$ 100,000
-----------	------------

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

-personal protective equipment
(SCBA Equipment, Nomex Coats and pants etc.)

Equipment	\$ 120,000
-WMD Incident Response vehicles (3)	

Central Police Services – Grant Fund 282

Equipment	\$ 1,750,000
-Computer Aided Dispatch/Records Management Software and consultant services	

Personnel:	
Full Salary Cost for Grants Monitoring Specialist JG 13	\$ 62,363

Health Department – Grant Fund 282

Equipment	\$ 400,000
-mobile medical command vehicle	

Equipment	\$ 60,000
-mobile computer terminals, computer tablets	

Sheriff's Department – Grant Fund 282

Equipment	\$ 100,000
-SWAT and URT Team equipment	

Equipment	\$ 150,000
-bomb disposal equipment	

TOTAL \$4,486,661

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 53 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 10E-17 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 250

Re: Feasibility Study for a Regional
Records Center.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, County records from various departments, including the County Clerk, are stored in a variety of locations, including downtown office buildings, the County Records Center on the grounds of Erie County Medical Center, and other locations; and

WHEREAS, these locations are running out of functional space to store and retrieve records; and

WHEREAS, there is interest on behalf of willing partners to further explore the opportunities to participate in such a regional records facility; and

WHEREAS, the operation of a central and regional records management system providing storage and retrievals services with respect to all records is in the best interest of the citizens of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized, in cooperation with the Erie County Clerk, to solicit and select a Request for Proposals to study the feasibility of creating a regional records facility, including opportunities for incorporating willing partners, in an amount not to exceed \$112,000; and be it further

RESOLVED, that the source of funds for this study shall be a transfer of \$112,000 from the Regionalism/Economic Development Fund, (DAC 110 9043038301299) to a new sub-account for this purpose under payments monitored by the Department of Environment and Planning, Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; and the County Comptroller.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following as the fifth (5th) **WHEREAS** Clause:

WHEREAS, on November 13, 2003, the Erie County Legislature approved Comm. 18E-31, appropriating \$100,000 from the 2003 Regionalism and Economic Development Fund for a feasibility study of a Regional Records Center,

- **DELETE** the second (2nd) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that the source of funds for the feasibility study shall be a transfer of \$100,000 of the previously approved 2003 Regionalism and Economic Development Funds (DAC 1109043038301299) and a further appropriation of \$12,000 in new funds from the Regionalism and Economic Development Fund to a new sub-account for this purpose under payments monitored by the Department of Environment and Planning, Fund 110, Project 922, Department 302, Account 830, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 54 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Intro. 9-4 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 251

Re: Support For a New Retail Location
of the East Amherst Post Office
(14051).

A RESOLUTION SUBMITTED BY
LEGISLATOR RANZENHOFER

WHEREAS, the current location of the East Amherst Post Office at 9830 Transit Road was opened in 1985 and was designed to serve 2,500 to 3,000 residents, and

WHEREAS, the continued growth of the East Amherst area has led to congestion and overcrowding at the current facility, and

WHEREAS; the post office now serves about 7,000 residents, all of the 622 post office boxes are rented and a waiting list has been established for those boxes, and

WHEREAS, several minor traffic accidents have occurred in front of the facility due to the amount of people that come in and out of the parking lot using the one driveway, and

WHEREAS; the East Amherst Post Office serves customers from many areas outside of East Amherst including Lockport, Clarence and Getzville due to its location on a main thoroughfare; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature lends its support to the opening of a new location for the East Amherst Post Office, and be it further

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that this Honorable Body encourages the United States Postal Service to work expeditiously to complete the planning phase and to begin construction work on the new East Amherst Post Office retail outlet, and be it further

RESOLVED; that certified copies of this resolution be sent to Mary Neddy, East Amherst Branch Postmaster; Donna DeMaio, Real Estate Specialist for the U.S. Postal Service and the Amherst Town Board.

Fiscal Impact: None for resolution.

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following Sponsor: Legislator WEINSTEIN.

MS. MARINELLI moved the approval of the resolutions as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 55 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Intro. 6-5 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 252

Re: Implementation of General
 Supervision Fee by the Erie County
 Probation Office to be Determined By
 Income.

A RESOLUTION SUBMITTED BY
 LEGISLATOR SMITH

WHEREAS, the term probation was applied by John Augustus to the practice of bailing offenders out of court followed by a period of supervised living in the community.

WHEREAS, the practice of assigning user fees of probation services has expanded rapidly in recent years as many jurisdictions sought to develop alternative funding strategies in a time of increasing controversy; regarding the concept of fees for probation services, the assessment of fees has significant implications for the mission, goals, and operation of probation in the United States, and nowhere are these differences more apparent than in the policies and opinions regarding fees for Probation Services, and

WHEREAS, fees have provided the means for continuing of developing programs central to fulfilling the missions of their agencies, and

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, expecting offenders to pay a portion of the cost of supervision is good public policy, strongly supported by public opinion, and

WHEREAS, user fees are simply a reality in many areas, and no legal impediments to fees for probation services exist, and

WHEREAS, prison inmates have historically been responsible for partially defraying the cost of their care, usually by providing labor for institution maintenance or public projects.

NOW, THEREFORE, BE IT

RESOLVED, we would request that a general supervision fee be implemented that the users of the probation system would be able contribute to enjoying ones opportunity of rejoining society, but not having to balance essential living needs with supervised freedom, and it be further

RESOLVED, eight counties collect a general supervision fee in which each probationer is charged a monthly fee to be on probation, and it be further,

RESOLVED, the supervision fee ranges from \$10 per month to \$30 per month. If 30.6 percent of the adult probation which consist of 1815 probationers paying a supervision of \$30, the net gain to the county would be 54,450 net gain per month, and 653,400 per year, and it be further

RESOLVED, in sum, fees can help an agency provide adequate services to probationers and enhance credibility with funding sources and the general public. In a small way, fees can assist in making crime and can have a positive impact on the probationer's rehabilitation, and be further

RESOLVED, that a supervision fee account be established in order to increased revenue of Erie County Probation Department, and be further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Budget Director, and the Commissioner of Probation and Youth Detention Supervision.

Fiscal Impact: Positive for Erie County.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **CHANGE** the name of the resolution to the following:

GENERAL SUPERVISION FEE FOR THE ERIE COUNTY PROBATION DIVISION

- **DELETE** the resolution in its entirety and **REPLACE** with the following:

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, many probation officers in Erie County are currently handling significant caseloads, with some officers maintaining caseloads of 170, 175, 180 and 200 individuals each, raising concerns regarding the ability of officers to effectively and adequately monitor and supervise those individuals, and

WHEREAS, according to the Erie County Director of Probation and union officials representing probation officers, the Erie County Division of Probation currently has six (6) probation officer positions that, while budgeted in the Adopted 2004 Erie County Budget, have remained vacant for more than one year, and

WHEREAS, union officials representing probation officers and the Director of Probation have expressed their desire and the public safety need to fill these vacant, budgeted positions immediately, and

WHEREAS, those officials have also expressed their interest in and support for adopting models employed in other counties in which fees are imposed on those persons on probation in order to help recoup some of the significant costs incurred in probation services and supervision, and

WHEREAS, the establishment of user fees for those on probation would help the County of Erie to fund additional probation officer positions or to establish additional overtime funds to enable officers to engage in nighttime supervision of certain individuals on probation, and in so doing, to help safeguard our community and maintain public safety, and

WHEREAS, many states and counties across the country impose and collect user fees on those on parole and probation to be used for supervision, and

WHEREAS, presently, Erie County probation officers do not routinely work in the evening hours or on weekends, and only infrequently work during “non-traditional” hours, and

WHEREAS, enabling probation officers to work during evenings and weekends allows those officers to attend community meetings, events, block club meetings, and in so doing, to more effectively monitor those on probation and to develop effective and proactive relationships to solve neighborhood crime and other problems.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature affirms its support for probation officers and the staff in the Erie County Division of Probation, for their efforts to monitor those under their supervision, and protect our community, and be it further

RESOLVED, that this Honorable Body expresses its desire that the Erie County Division of Probation is required to fill and staff all of its budgeted probation officer positions at all times to provide public safety services to the residents of this county, and be it further

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that this Honorable Body expresses its support for the creation of a new system of user fees to be imposed on those under probation supervision, for the purpose of utilizing those fees only within the Division of Probation to hire new probation officers and establish additional overtime to allow officers to engage in supervision and monitoring in the early morning and/or night or weekend hours, with those fees only to be used in the Division of Probation and for personal services and overtime in that department, and be it further

RESOLVED, that the Erie County Legislature expresses its intention to establish a general supervision user fee to be levied by the Erie County Division of Probation upon those person on probation, for the benefit of the Erie County Division of Probation, with all revenues to be exclusively used in that division for hiring additional probation officers and funding additional overtime, and be it further

RESOLVED, that this Honorable Body expresses its intention to establish such a user fee through the passage of an appropriate Local Law and the transmittal of appropriate Home Rule messages to the New York State Legislature seeking state legislation and approval for said fees, and be it further

RESOLVED, that this Honorable Body expresses its support for, and calls on the Director of Probation to establish, flexibility and procedures to enable probation officers to attend community meetings, events, block club meetings, and the like, and in so doing, to more effectively monitor those on probation and to develop effective and proactive relationships to help reduce neighborhood crime and other problems, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Budget Director, County Attorney, Director of Probation, Probation Officer Scott Smith representing CSEA Local 815, Probation Section, American Probation and Parole Association (2760 Research Park Drive, Lexington, KY 40511-8410), the Erie County delegation of the New York State Legislature, Governor Pataki, and Sara Tullar Fasoldt, Chairwoman of the New York State Division of Probation and Correctional Alternatives (80 Wolf Road, Albany, New York 12205).

Fiscal Impact: Positive for Erie County.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 56 – MR. SCHROEDER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 10-5 (2004). MR. SWANICK seconded. Legislators Cusack, Marshall, McCarville, Ranzenhofer & Weinstein in the negative.

CARRIED. (10-5)

RESOLUTION NO. 253

Re: Prevailing Wage Rate Violations for
 Public Works Projects and the County's
 Commitment to Quality Workmanship.

A RESOLUTION SUBMITTED BY
 LEGISLATOR SWANICK

WHEREAS, the Erie County Department of Public Works recommends the lowest responsible bidders for approval by the Erie County Legislature for all Public Works projects, and

WHEREAS, in determining the lowest responsible bidders, the Erie County Department of Public Works requires bidders to answer an Experience Questionnaire which asks, in part, if the bidder has any Federal or State Labor violations, and

WHEREAS, the current policy of the Department of Public Works is that, if a contractor or sub-contractor has had, within a six-year period, two final determinations that it willfully failed to pay or provide the prevailing rate of wages or supplements to its employees, then that contractor or subcontractor will be ineligible to bid on or be awarded a public work contract for a period of five years from the second final determination, and

WHEREAS, it is in the best interest of the County of Erie to ensure that all employees of the contractor or sub-contractor performing work for the County shall be paid not less than the prevailing rate of wages provided by the New York State Bureau of Public Works, and

WHEREAS, it is in the best interest of the County of Erie to ensure that employers pay the prevailing rate of wages on Erie County Public Works projects, and

WHEREAS, it is in the best interest of the County of Erie to declare a responsible bidder to be only those contractors or sub-contractors that have no willful prevailing wage rate violations, and

WHEREAS, in addition to the new policy regarding prevailing wage rate violations, it is in the best interest of the County of Erie to re-emphasize its commitment to and expectation of quality workmanship on County projects, as stated below in the provisions of the Department of Public Works' General Conditions of the Contract:

- 3.13 OWNER'S RIGHT TO CORRECT DEFICIENCIES – Upon failure of the Contractor to perform the work in accordance with the Contract Documents, including any requirements with respect to the Schedule of Completion, and after five (5) day's written notice to the Contractor and receipt of written approval from the Architect-Engineer, the Owner may, without prejudice to any other remedy he may have, correct such deficiencies.
- 3.14 OWNER'S RIGHT TO TERMINATE CONTRACT AND COMPLETE THE WORK – The Owner shall have the right to terminate the employment of the Contractor after giving ten (10) days' written notice of termination to the Contractor in the event of any default by the Contractor and upon receiving written notice from the Architect-Engineer certifying

cause for such action. In the event of such termination, the Owner may take possession of the work and of all materials, tools and equipment thereon and may finish the work by whatever method and means he may select. It shall be considered a default by the Contractor whenever he shall:...

- b. Disregard or violate important provisions of the Contract Documents or Architect-Engineer's Instructions, or fail to prosecute the work according to the agreed progress schedule, including extensions thereof...

4.05 REJECTED WORK AND MATERIALS – All materials which do not conform to the requirements of the Contract Documents, are not equal to samples approved by the Architect-Engineer, or are in any way unsatisfactory or unsuited to the purposes for which they are intended, shall be rejected. Any defective work whether the result of poor workmanship, use of defective materials, damaged through carelessness or any other cause shall be removed within ten (10) days after written notice is given by the Architect-Engineer, and the work shall be re-executed by the Contractor. The fact that the Architect-Engineer may have previously overlooked such defective work shall not constitute an acceptance of any part of it.

- a. Should the Contractor fail to remove rejected work or materials within ten (10) days after written notice to do so, the Owner may remove them and may store the materials...

NOW, THEREFORE, BE IT

RESOLVED, that a contractor or sub-contractor that has had one final determination that it willfully failed to pay or provide the prevailing rate of wages or supplements to its employees, will be considered to be a non-responsible bidder and shall be ineligible to bid on or be awarded a contract on any County Public Works project for a period of five years from date of the final determination, and be it further,

RESOLVED, that the Department of Public Works shall, within ninety (90) days from the effective date of this resolution, implement the modifications to the instructions to bidders for all projects as contemplated by this resolution and shall file such modifications with the Clerk of the Legislature, and be it further,

RESOLVED, that all Public Works Projects advertised for bid after August 11, 2004 or ninety (90) days from the passage of this resolution shall include the modified instructions to bidders contemplated by this resolution, and be it further,

RESOLVED, that the Erie County Legislature does hereby reiterate its commitment to quality workmanship on County projects, as stated in the below provisions of the Department of Public Works' General Conditions of the Contract:

MEETING NO. 11**May 27, 2004****ERIE COUNTY LEGISLATURE**

- 3.13 OWNER'S RIGHT TO CORRECT DEFICIENCIES – Upon failure of the Contractor to perform the work in accordance with the Contract Documents, including any requirements with respect to the Schedule of Completion, and after five (5) day's written notice to the Contractor and receipt of written approval from the Architect-Engineer, the Owner may, without prejudice to any other remedy he may have, correct such deficiencies.
- 3.14 OWNER'S RIGHT TO TERMINATE CONTRACT AND COMPLETE THE WORK – The Owner shall have the right to terminate the employment of the Contractor after giving ten (10) days' written notice of termination to the Contractor in the event of any default by the Contractor and upon receiving written notice from the Architect-Engineer certifying cause for such action.
In the event of such termination, the Owner may take possession of the work and of all materials, tools and equipment thereon and may finish the work by whatever method and means he may select. It shall be considered a default by the Contractor whenever he shall:...
- b. Disregard or violate important provisions of the Contract Documents or Architect-Engineer's Instructions, or fail to prosecute the work according to the agreed progress schedule, including extensions thereof...
- 4.05 REJECTED WORK AND MATERIALS – All materials which do not conform to the requirements of the Contract Documents, are not equal to samples approved by the Architect-Engineer, or are in any way unsatisfactory or unsuited to the purposes for which they are intended, shall be rejected. Any defective work whether the result of poor workmanship, use of defective materials, damaged through carelessness or any other cause shall be removed within ten (10) days after written notice is given by the Architect-Engineer, and the work shall be re-executed by the Contractor. The fact that the Architect-Engineer may have previously overlooked such defective work shall not constitute an acceptance of any part of it.
- a. Should the Contractor fail to remove rejected work or materials within ten (10) days after written notice to do so, the Owner may remove them and may store the materials...

RESOLVED, that certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, Division of Budget Management & Finance, Office of the Comptroller, Department of Law, and Office of the County Executive.

Fiscal Impact: Positive for Erie County

MR. McCARVILLE moved to send the resolution back to the ECONOMIC DEVELOPMENT COMMITTEE. MR. RANZENHOFER seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

AYES: CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DEBENEDETTI & MARINELLI. NOES: CHASE, SWANICK, DUSZA, HOLT, KUWIK, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8).

FAILED.

MR. SCHROEDER moved the approval of the resolution. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CUSACK, MARSHALL, McCARVILLE & RANZENHOFER. (AYES 11, NOES 4).

CARRIED.

SUSPENSION OF THE RULES

Item 57 – MR. WROBLEWSKI moved for a suspension of the rules to include an item not on the agenda. MS. MARINELLI seconded.

GRANTED.

RESOLUTION NO. 254

Re: Request for ECC Budget Extension
 For 2004-2005. (Comm. 11E-31)

WHEREAS, the Erie County Legislature adopted a budget submittal and approval process schedule for Erie Community College (ECC) on July 28, 1977 (Comm. 14D-23 (1977)), later amending the schedule on May 4, 1989 (Comm. 10E-6 (1989)); and

WHEREAS, the 1989 budget submittal and approval process schedule requires the ECC Board of Trustees to submit their budget to the County Executive and the County Legislature by May 10th of the year; and

WHEREAS, the County Executive is then required to submit the ECC budget to the County Legislature after his review by June 1st of the year; and

WHEREAS, the County Legislature is then required to adopt the ECC budget by its last session in June of the year; and

WHEREAS, given the difficult budgetary process this year in the New York State, the County Executive has requested additional time for the Budget Office to review State aid reimbursement, projected student populations and other budgetary assumptions used in the creation of the 2004-2005 ECC Budget prior to its submission to the County Legislature for adoption;

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves an amended budget submittal and approval process schedule for ECC for this year; and be it further

RESOLVED, that the Erie County Legislature hereby requests that the County Executive submit his reviewed ECC Budget to the County Legislature by no later than June 30, 2004; and be it further

RESOLVED, that the Erie County Legislature will address the ECC Budget by no later than its last session in July of this year; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel Giambra, Budget Director Joseph Passafiume, Chairman of the ECC Board of Trustees James G. Corasanti, M.D., and ECC President William Mariani.

MR. WROBLEWSKI moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 58 – MR. SCHROEDER moved for a suspension of the rules to include an item not on the agenda. MS. MARINELLI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 11-21 From LEGISLATOR SCHROEDER Re: Fairness and Equity – Sharing the 1% Sales Tax with the City of Buffalo, All Municipalities & School Districts.

Item 59 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 11E-32 From LEGISLATOR DEBENEDETTI Re: Letter to the Budget Director Re: a Monthly Report on All Position Vacancies in the Erie County Government Workforce.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR SWANICK

Item 60 – (Comm. 11E-1) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

May 13, 2004

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

Re: Intro. 24-5 (2003) Availability of Surplus Computers

Dear Mr. Kelly:

I have received a request from the Kenmore Community Center, 135 Wilbur Avenue, Kenmore, New York for six (6) computers for classes that are offered at the center. A copy of the request letter from the Kenmore Community Center is attached for your reference.

Very truly yours,

Charles M. Swanick
Erie County Legislator
10th District

Attachment

Cc: Mr. Kenneth Beam
DISS Administration

May 13, 2004

Honorable Charles M. Swanick
Erie County Legislator
3200 Elmwood Avenue
Kenmore, New York 14217

Re: Village of Kenmore
Computer Acquisition

Dear Mr. Swanick,

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

On behalf of the Mayor and the Board of Trustees, I would like to seek your assistance in securing computers for the Kenmore Community Center. These computers would be utilized by senior citizens.

Thank you again for your help in securing financial assistance through Erie. Your commitment to the Village of Kenmore and its senior citizens is greatly appreciated.

If you should require any additional information, please feel free to contact me at (716) 873.5700.

Very truly yours,

KATHLEEN P. JOHNSON, Esq.
Clerk/Treasurer

Enc.

FROM THE COMPTROLLER

Item 61 – (Comm. 11E-2) Response to Request for Documentation to Support Payments Made for Services Provided with Sale of ECMC.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS SWANICK & CHASE

Item 62 – (Comm. 11E-3) Copies of Letters to ECC Board of Trustees Re: Draft GEIS for ECC Facilities Master Plan.

Received and filed.

FROM LEGISLATOR SCHROEDER

Item 63 – (Comm. 11E-4) Copy of Letter to County Attorney Re: Prevailing Wage Enforcement Provisions of County Contracts.

Received and referred to the ECONOMIC & DEVELOPMENT COMMITTEE.

FROM LEGISLATOR DEBENEDETTI

Item 64 – (Comm. 11E-5) Copy of Letter to Social Services Commissioner – Requesting Information Pertaining to "Blueprint for Change".

Received and referred to the HUMAN SERVICES COMMITTEE.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

FROM CHAIRMAN HOLT

Item 65 – (Comm. 11E-6) Copy of Letter to Minority Leader Re: Appointment to Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 66 – (Comm. 11E-7) Copy of Letter to Clerk Re: Appointment to Erie County Water Authority.

RECEIVED, FILED & PRINTED.

May 21, 2004

Kevin M. Kelley
Clerk, Erie County Legislature
25 Delaware Ave., 7th Floor
Buffalo, NY 14202

RE: Appointment to Erie County Water Authority

Dear Mr. Kelley:

I have been advised by majority counsel that the Hon. Christopher J. Burns, J.S.C. has called for another vote on my appointment of a commissioner to the Erie County Water Authority. In order to "provide each party an opportunity to present an appropriate nomination pursuant to Public Authorities Law" I am asking that all petitions be presented to you for clock-in prior to the deadline of 11:00 am on Tuesday, May 25, 2004 for our session scheduled on Thursday, May 27, 2004.

Having already completed the process of interviews on April 23, 2004, including providing more than ample notice of such interviews to the public and the members of the Legislature as specified by Section 5.01 of the 2004 Rules of Order of the Erie County Legislature, and further noting that the Commissioner's term of office in question has already commenced, it is important that we proceed with this final step in the process. I can think of no reason why we should not be able to proceed with action by our next session.

After receiving such nominations in writing, I will be prepared to make an appointment to the Erie County Water Authority for a three-year term expiring April 27, 2007, to be confirmed by a vote of the Legislature as a whole.

Very truly yours,

George A. Holt, Jr.
Chairman

FROM THE COMPTROLLER

Item 67 – (Comm. 11E-8) Quarterly Investment Report 1/1/04 -3/31/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DEBENEDETTI

Item 68 – (Comm. 11E-9) Copy of Letter to Comptroller Re: Status of Audit of EC Holding Center.

Item 69 – (Comm. 11E-10) Copy of Letter to Director of Fleet Services Re: Request for Information Pertaining to Fleet Report.

Item 70 – (Comm. 11E-11) Copy of Letter to Director of Purchase Re: Vehicle Purchases.

The above three items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 71 – (Comm. 11E-12) Bond Resolution - \$3,000,000 -Increase & Improvement of ECSD No. 5.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 71 – (Comm. 11E-13) ECMC Comprehensive Psychiatric Emergency Program Patient Renovations.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 73 – (Comm. 11E-14) Main Library Escalators Replacement.

Item 74 – (Comm. 11E-15) Increase to Construction Contract -2003 Culvert Replacement - Bay View Road, Town of Hamburg & Abbott & Duerr Roads, Town of Orchard Park.

Item 75 – (Comm. 11E-16) Increase to Construction Contracts - 2003 Culvert Replacement – Various Locations.

Item 76 – (Comm. 11E-17) EC Courts Master Plan Renovations -Final Phase Contingency Fund Increases.

Item 77 – (Comm. 11E-18) MOU for Lancaster Rail Line Right-of-Way.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

The above five items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 78 – (Comm. 11E-19) Funding for 2004 Sport Fishery Promotion Program & Amateur Athletic Events.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 79 – (Comm. 11E-20) Social Services -Disease Management Data Analysis.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 80 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 255

RE: Appointment to NYS Region 9 Fish
& Wildlife Management Board.
(Comm. 11E-21)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Hon. Steven P. McCarville at 4214 North Buffalo Street – Upper of Orchard Park, New York, 14127, to the New York State Region 9 Fish and Wildlife Management Board for a term to expire December 31, 2005.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 81 – (Comm. 11E-22) EC/Southtowns Sewage Treatment Agency - Southtowns & Lackawanna Disinfection Improvements - Bid Opening.

Item 82 – (Comm. 11E-23) ECSD NO. 2 - Big Sister Creek Treatment Plant Disinfection Improvements - Bid Opening.

Item 83 – (Comm. 11E-24) ECSD No. 4 - William Street Subtrunk Sanitary Sewer - Bid Opening.

Item 84 – (Comm. 11E-25) ECSD No. 2 - Town of Eden - Route 62 Low Pressure System - Bid Opening.

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Item 85 – (Comm. 11E-26) Emergency Services - Acceptance of Alerting Protective & Misc. Equipment from NYS Weapons of Mass Destruction Task Force.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 86 – (Comm. 11E-27) Funding for Union Ship Canal Infrastructure Work.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 87 – (Comm. 11E-28) Inter-Municipal Agreement for Management & Operation of Buffalo Parks System & Agreement with Olmsted Conservancy for Operation of Bflo. Parks.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 88 – (Comm. 11E-29) Social Services - Olmsted Center for Visually Impaired.

Received and referred to the HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECC

Item 89 – (Comm. 11D-1) Notice of Trustees Meeting Held 5/19/04.

Item 90 – (Comm. 11D-2) Agenda For Trustees Meeting Held 5/19/04.

The above two items were received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 91 – (Comm. 11D-3) Agenda for Trustees Meeting Held 5/20/04 & Minutes of Meeting Held 4/22/04.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 92 – (Comm. 11D-4) Response to Request for Information on 2004 Pension Costs.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 93 – (Comm. 11M-1) Notice of Meeting Held 5/20/04 & Minutes of Meeting Held 4/12/04.

Received and filed.

FROM NFTA

Item 94 – (Comm. 11M-2) Proposed Rule Making.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUFFALO MAYOR MASIELLO

Item 95 – (Comm. 11M-3) Letter to Chairman Holt Re: Development Activities at Buffalo Lakeside Commerce Park.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 96 – (Comm. 11M-4) Notice & Agenda for Meeting Held 5/18/04.

Received and filed.

FROM THE TOWN OF WALES

Item 97 – (Comm. 11M-5) Certified Resolutions.

Received and filed.

FROM THE EC PROBATION OFFICERS ASSOCIATION

Item 98 – (Comm. 11M-6) Letter Re: Local Law Establishing User Fees.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYS COMPTROLLER

Item 99 – (Comm. 11M-7) Approval of Application for Permission to Increase Facilities in ECSD No. 5.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Item 100 – (Comm. 11M-8) Copy of Application by Town of Aurora for Extension to Water District No. 10.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC HOME HEALTH CARE ADVISORY BOARD

Item 101 – (Comm. 11M-9) Notice of Board Member's Term Due to Expire.

Received and filed.

FROM ALCOHOL & DRUG DEPENDENCY SERVICES

Item 102 – (Comm. 11M-10) 2003 Annual Report.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE NYS COMMISSION OF CORRECTION

Item 103 – (Comm. 11M-11) Copy of Letter to Sheriff Re: 3 Month Variance Approval for Inmate Housing Needs at Correctional Facility.

Item 104 – (Comm. 11M-12) Copy of Letter to Sheriff Re: 3 Month Variance Approval for Inmate Housing Needs at Correctional Facility.

Item 105 – (Comm. 11M-13) Copy of Letter to Sheriff Re: 3 Month Variance Approval for Inmate Housing Needs at Correctional Facility.

Item 106 – (Comm. 11M-14) Copy of Letter to Sheriff Re: 3 Month Variance Approval for Inmate Housing Needs at Holding Center.

Item 107 – (Comm. 11M-15) Copy of Letter to Sheriff Re: 3 Month Variance Approval for Inmate Housing Needs at Holding Center.

Item 108 – (Comm. 11M-16) Copy of Letter to Sheriff Re: Denial of Request for Variance for Inmate Housing Needs at Holding Center.

The above six items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYS COMPTROLLER

Item 109 – (Comm. 11M-17) Copy of Letter to Legislator DeBenedetti Re: Audit of ECMCC.

MEETING NO. 11
May 27, 2004

ERIE COUNTY LEGISLATURE

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CONGRESSMAN QUINN

Item 110 – (Comm. 11M-18) Receipt of Resolution.

Received and filed.

FROM THE US DEPARTMENT OF LABOR

Item 111 – (Comm. 11M-19) Receipt of Resolution.

Received and filed.

MEMORIAL RESOLUTIONS

Item 112 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Beverly M. Schnorr.

Item 113 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Henry Grzankowski.

Item 114 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Floyd Kaszmierczak.

Item 115 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Robert Mollot.

Item 116 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Sandra Lippes.

Item 117 – Mr. DeBenedetti requested that when the Legislature adjourns, it do so in memory of Virginia Todaro.

Item 118 – Mr. DeBenedetti requested that when the Legislature adjourns, it do so in memory of Alexander Hury.

ADJOURNMENT

Item 119 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MEETING NO. 11

May 27, 2004

ERIE COUNTY LEGISLATURE

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, June 10, 2004.
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 10, 2004 at 2 p.m.
Eastern Standard Time.

KEVIN M. KELLEY
CLERK